

Appl. No. 10/802,268
Reply to Office Action of January 12, 2006

Attorney Docket No. 2003-0710 / 24061.121
Customer No. 42717

REMARKS

Claims 1-20 are pending in the application. In view of the remarks that follow, Applicants respectfully request reconsideration.

Independent Claim 9

Independent Claim 9 stands rejected under 35 U.S.C. §102 as anticipated by Wang U.S. Patent No. 6,789,031. This ground of rejection is respectfully traversed, for the following reasons. The PTO specifies in MPEP §2131 that, in order for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim. Claim 9 expressly recites:

... a process parameter for manufacturing a semiconductor product . . . , and . . . using the calculated process parameter in a manufacturing process to fabricate the semiconductor product . . .

In the §102 rejection of Claim 9, the Examiner asserts that certain portions of Wang disclose the subject matter of these limitations from Claim 9, as follows:

Wang teaches . . . a process parameter (col 3, ln 17-18) for manufacturing a semiconductor product (col 3, ln 19-20) . . . , and thereafter using the calculated process parameter in a manufacturing process to fabricated the semiconductor product (col 5, ln 44-47) . . .

Applicants respectfully disagree. These cited portions of Wang (lines 17-20 in column 3 and lines 44-47 in column 5) merely state that:

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In step 101, the method requires one to identify one or more variable parameters that are characteristic of the IC manufacturing process that can be measured from a product manufactured with the process. . . .

In step 201, the method requires one to identify one or more variable parameters that are characteristic of the IC manufacturing process and that can be measured from a product manufactured with the process. . . .

Simply stated, Wang teaches that a process is used to manufacture a product, and that a product parameter of the resulting product is then measured. Contrary to the assertions in the Office Action, Wang never states that the measured parameter is a "process parameter", but instead is very clear that it is a product parameter. Moreover, Wang teaches that the measured product parameter is used for a purpose other than manufacturing a product. Contrary to assertions in the Office Action, Wang does not teach that this measured product parameter is ever used "for manufacturing a semiconductor product", nor does Wang ever teach "using the calculated process parameter in a manufacturing process to fabricate the semiconductor product". In other words, Wang does not disclose each and every element that is recited in Applicants' Claim 9, and thus does not satisfy the above-quoted PTO requirement from MPEP §2131. Accordingly, since the PTO requirement for anticipation is not met, Claim 9 is not anticipated under §102 by Wang. Claim 9 is thus believed to be allowable, and notice to that effect is respectfully requested.

Independent Claims 1, 10 and 16

Independent Claims 1, 10 and 16 each stand rejected under 35 U.S.C. §102 as anticipated by Wang. These grounds of rejection are respectfully traversed, for the following reasons. As mentioned earlier, the PTO specifies in MPEP §2131 that, in order for a reference to anticipate a

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claim under §102, the reference must teach each and every element recited in the claim.

Independent Claim 1 expressly recites:

... a process parameter for manufacturing a semiconductor
product

Independent Claim 10 expressly recites:

... a process parameter value to be used in manufacturing a
semiconductor product

Independent Claim 16 expressly recites:

... a process parameter value to be used in manufacturing a
semiconductor product . . . , . . . the system including: a
semiconductor fabrication tool configured to execute a fabrication
process using the process parameter value

As discussed above in association with Claim 1, Wang teaches that a process is used to manufacture a product, and that a product parameter of the resulting product is then measured. Wang never states that the measured parameter is a "process parameter", but instead is very clear that it is a product parameter. Moreover, Wang teaches that the measured product parameter is used for a purpose other than manufacturing a product. Contrary to assertions in the Office Action, Wang does not teach that this measured product parameter is ever used for "manufacturing a semiconductor product" as recited in Applicants' Claims 1, 10 and 16, nor does Wang ever teach "a semiconductor fabrication tool configured to execute a fabrication process

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using the process parameter value", as recited in Applicants' Claim 16. In other words, Wang does not disclose each and every element that is recited in Applicants' Claim 1, Claim 10 or Claim 16, and thus does not satisfy the above-quoted PTO requirement from MPEP §2131. Accordingly, since the PTO requirement for anticipation is not met, Claims 1, 10 and 16 are not anticipated under §102 by Wang. Claims 1, 10 and 16 are thus believed to be allowable over Wang, and notice to that effect is respectfully requested.

Dependent Claims

Claims 2-8, Claims 11-15, and Claims 17-20 respectively depend from Claim 1, Claim 10 and Claim 16, and are also believed to be distinct from the art of record, for example for the same reasons discussed above with respect to Claims 1, 10 and 16, respectively.

Conclusion

Based on the foregoing, it is respectfully submitted that all of the pending claims are fully allowable, and favorable reconsideration of this application is therefore respectfully requested. If the Examiner believes that examination of the present application may be advanced in any way by a telephone conference, the Examiner is invited to telephone the undersigned attorney at (972) 739-8647.

Appl. No. 10/802,268
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Attorney Docket No. 2003-0710 / 24061.121
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Although Applicants believe that no fee is due in association with the filing of this Response, the Commissioner is hereby authorized to charge any additional fee required by this paper, or to credit any overpayment, to Deposit Account No. 08-1394 of Haynes and Boone LLP.

Respectfully submitted,



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Enclosures: None

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